

### Remarks & Arguments

In the Office Action, the Examiner noted that Claims 1-8 are pending in the application, and that Claims 1-8 are rejected. By this amendment, Claims 1 and 3-8 have been amended, Claim 2 has been canceled without prejudice, and Claims 9-15 have been added. Thus, Claims 1 and 3-15 are pending in the application. The amendments to the specification, claims, and drawings do not add new matter to the application. The Examiner's rejections are traversed below.

#### *Objection to the Specification*

The specification stands objected to because of various informalities. The amendments to the specification render the objection moot.

#### *Objection to the Drawings*

Figure 2 stands objected to because of a difference between the drawing and the specification. The amendments to Figure 2 render the objection moot.

#### *Objection to the Claims*

Claim 8 stand objected to because of various informalities. The amendments to Claim 8 render the objection moot.

*Rejection Under 35 USC 112, Second Paragraph*

Claims 1 and 3-8 stand rejected under 35 USC 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 1 and 3-8 have been amended substantially as recommended by the Examiner. The amendments to Claim 1 and 3-8 render the rejection moot.

*Rejection Under 35 USC 101*

Claims 1-4 stand rejected under 35 USC 101 as being directed to non-statutory subject matter. The rejection alleges that Claim 1-4 are directed merely to an abstract idea. Claim 1 has been amended to include the limitations "A method of designing experiments for acquiring processing experience in the design and manufacture of a product comprising: (a) determining critical variables for the product; ... and (m) manufacturing prototype wafers using the experimental design matrix  $U_k$ ." Accordingly, Claim 1 as amended is tied to a technological art, environment and/or machine, the design and manufacturing of a product, which results in a practical application that produces a concrete, useful and tangible result, designing experiments in the form a of prototype wafer using experimental design matrix  $U_k$ . Withdrawal of the rejection of Claims 1-4 is respectfully requested.

Claims 1-8 stand rejected under 35 USC 101 as being directed to non-statutory subject matter. The rejection alleges that Claim 1-8 are directed merely to a mathematical algorithm.

Claim 1 has been amended to include the limitations “A method of designing experiments for acquiring processing experience in the design and manufacture of a product comprising: (a) determining critical variables for the product; ... and (m) manufacturing prototype wafers using the experimental design matrix  $U_k$ .” Accordingly, Claim 1 as amended is tied to a technological art, environment and/or machine, the design and manufacturing of a product, which results in a practical application that produces a concrete, useful and tangible result, designing experiments in the form a of prototype wafer using experimental design matrix  $U_k$ . Withdrawal of the rejection of Claims 1-8 is respectfully requested.

*Rejections Under 35 USC 103*

Claim 1 stand rejected under 35 USC 103(a) as being obvious in view of Heavlin, Wynn and Schank. Claim 1 has been amended to include the limitation contained in Claim 2. Accordingly, Claim 1 as amended is patentable over Heavlin, Wynn, Schank and any combination thereof. Withdrawal of the rejection of Claim 1 is respectfully requested.

Conclusion

For all the reasons advanced above, Applicant respectfully submits that the present application is in condition for allowance and that action is earnestly solicited. The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Appl. No. 09/808,786  
Amdt. Dated October 28, 2004  
Reply to Office Action of June 28, 2004

The Commissioner is hereby authorized to charge any additional fees, which may be required for this amendment, or credit any overpayment, to Deposit Account 23-0085. In the event that an extension of time is required, or may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account 23-0085.

Respectfully submitted,

WAGNER, MURABITO & HAO, LLP

Dated: October 28, 2004

A handwritten signature in black ink, appearing to read "Eric J. Gash", is written over a horizontal line.

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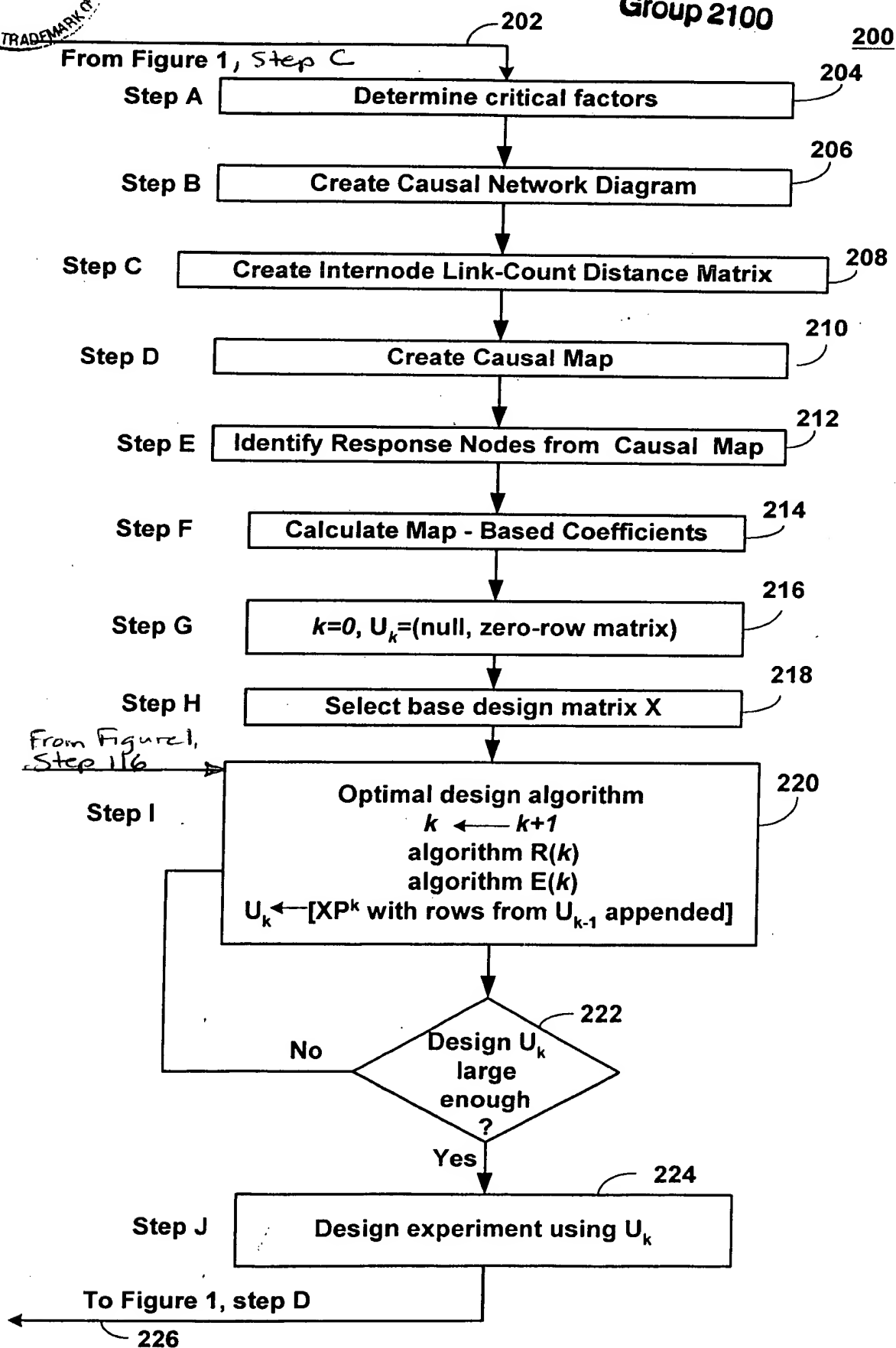


FIGURE 2